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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,854	02/20/2004	Michael Ochwat	028987.52973US	1652

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EXAMINER

MILLER, ROSE MARY

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,854

Applicant(s)

OCHWAT ET AL.

Examiner

Rose M. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because empty diagram boxes are impermissible under 37 CFR §1.83(a) which recites as follows:

*"The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a **labeled** representation (e.g., a **labeled** rectangular box)." (Emphasis added by Examiner)*

The empty diagram boxes 13, 14, 15, 19, and 23, found in Figures 8 and 9 of the drawings, must be labeled with an appropriate descriptive phrase in addition to the reference legend already present. Appropriate correction is required.

Replacement drawing sheets including the correction are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-19, the phrase "particularly of a passenger car", found in line 1 of claim 1, renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claims 2-19 are rejected as they fail to correct the problems presented by claim 1 from which they depend.

Claims 8-19 are further rejected as being indefinite and incomplete. Claim 8 recites a "device for implementing the method according to Claim 1". While this is not

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incorrect, it can lead to confusion as to what is actually being claimed. Especially as the body of claim 8 fails to recite a means or device for performing the step of "measuring the air noise" found in claim 1. Therefore, the device of claim 8 is incomplete and missing an element essential for the operation of the invention. Claims 9-19 are rejected as they fail to correct the problems presented by claim 8 from which they depend.

Claim 14 is further rejected as being indefinite and confusing. Claim 12, from which claim 14 depends, recites an "outlet cross-section" having "a circular shape". Then how can the device of claim 14 have an outlet cross-section having "a rectangular shape" or "an oval shape"? The recited shapes are inconsistent and therefore lead to confusion as to what is actually claimed.

Further regarding claim 14, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 18 is further rejected as being indefinite as the phrase "the covering" lacks a proper antecedent basis. The first occurrence of the "coverings" is found in claim 17, not claim 15 from which claim 18 depends. A suggestion for correction is to change the dependency of claim 18 from claim 15 to claim 17.

Allowable Subject Matter

4. Claims 20-22 are allowed.
5. Claims 1-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach and/or suggest a method or apparatus of applying targeted air currents to predetermined areas of a passenger vehicle body, the predetermined areas including areas where sealing devices extend between adjacent vehicle body parts of the passenger vehicle body and measuring the air noise occurring as a result of the targeted air currents.

The closest prior art is that of **Kramer et al. (US 5,435,175)** and **Yamada et al. (US 5,035,359)** which both teach utilizing air deflectors or movable jet test sections to change the flow of the air in a wind tunnel while testing a vehicle in the air stream for aerodynamics and aeroacoustics. There is no teaching of specifically targeting a particular portion of the vehicle body in order to perform an air noise (aeroacoustic) test on the sealing device in that part of the vehicle body.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allen (US 2,657,575) discloses an asymmetric adjustable supersonic nozzle for increasing the MACH number of the wind applied to the vehicle under test.

Yamada et al. (US 5,035,359) discloses a device for changing a direction of an airstream in a wind tunnel.

Iga et al. (JP 07260560 A) discloses an external noise measurement method for a motor vehicle.

Ota et al. (JP 2000065690 A) discloses an environmental testing apparatus for motor vehicles.

Strumolo (US 5,568,404) discloses a method and system for predicting sound pressure levels within a vehicle due to wind noise.

Van Every et al. (US 5,861,585) discloses aeroacoustic wind tunnel turning vanes.

Strumolo et al. (US 6,088,521) discloses a method and system for providing a virtual wind tunnel.

Lee (US 6,550,332 B2) discloses a real-time noise source visualizing system using an acoustic mirror.

Lacey, Jr. (US 6,748,800 B2) discloses a wind tunnel and collector configuration.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rose M. Miller whose telephone number is 571-272-2199. The examiner can normally be reached on Monday - Friday, 7:30 am to 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RMM

20 June 2005



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800